

# Notice of Allowability

Application No.

09/634,041

Examiner

Christopher R. Buchanan

Applicant(s)

RYAN ET AL.

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3627

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 1/22/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/23/05, 7/25/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**EXAMINER'S AMENDMENT**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 17-33 were cancelled.

***Allowable Subject Matter***

2. Claims 1-16 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art, Chong (US 5,335,169), teaches using a computerized system to collect information regarding remote sales, calculate the correct taxes for the sales for the appropriate taxing jurisdiction, collect by sellers from buyers the correct taxes, and pay each taxing jurisdiction the taxes that are due, wherein the identity of the customer (buyer) is not revealed.

The prior art lacks the teaching of collecting by an agent the correct sales and/or use taxes received by sellers, segmenting by the agent, the seller's taxes and the

information collected by the sellers for particular taxing jurisdictions into different data bases for each taxing jurisdiction, wherein the identity of the seller is not revealed to the taxing jurisdiction and each taxing jurisdiction may only view its own data base if there is a sufficient suspicion of fraud based upon audit data. The examiner interprets the claimed limitations to mean that the identity of the seller is not revealed at any step of the method unless there is sufficient suspicion of fraud.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The foreign prior art, Atme (WO 2004/042624), teaches a method for registering goods and storing information regarding the goods in a database, wherein the database is secured with an encryption key, and the database can only be accessed by authorized government agents or sellers.

The prior art lacks the teaching of collecting by an agent the correct sales and/or use taxes received by sellers, segmenting by the agent, the seller's taxes and the information collected by the sellers for particular taxing jurisdictions into different data bases for each taxing jurisdiction, wherein the identity of the seller is not revealed to the taxing jurisdiction and each taxing jurisdiction may only view its own data base if there is a sufficient suspicion of fraud based upon audit data.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The non-patent literature, Steinke (*Network* article), teaches performing electronic transactions in an anonymous manner to prevent direct marketing and governmental involvement.

The prior art lacks the teaching of collecting by an agent the correct sales and/or use taxes received by sellers, segmenting by the agent, the seller's taxes and the information collected by the sellers for particular taxing jurisdictions into different data bases for each taxing jurisdiction, wherein the identity of the seller is not revealed to the taxing jurisdiction and each taxing jurisdiction may only view its own data base if there is a sufficient suspicion of fraud based upon audit data.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

### ***Conclusion***

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

 8/1/07

F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER